

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:23-CV-00423

TIMIA CHAPLIN; SARAH FIELDS;
SYELINE NUNEZ; THOMAS HAYWARD;
KEVIN SPRUILL; ROTESHA MCNEIL;
QIANA ROBERTSON; YOUSEF JALLAL;
MESSIEJAH BRADLEY; DENNIS KEITH
LASSITER; PAULINO CASTELLANOS;
ROBERT LEWIS; and ALLEN SIFFORD, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

GARY L. MCFADDEN, officially, as the
Sheriff of Mecklenburg County; JOHN DOE
SURETY, as surety for the Sheriff of
Mecklenburg County; WILLIE R. ROWE,
officially, as the Sheriff of Wake County;
BRIAN ESTES, officially, as the Sheriff of
Lee County; THE OHIO CASUALTY
INSURANCE COMPANY, as surety for the
Sheriffs of Wake County and Lee County;
TYLER TECHNOLOGIES, INC.; NORTH
CAROLINA ADMINISTRATIVE OFFICE
OF THE COURTS; RYAN BOYCE,
officially, as the Executive Director of the
North Carolina Administrative Office of the
Courts; BRAD FOWLER, officially, as the
eCourts Executive Sponsor and Chief
Business Officer of the North Carolina
Administrative Office of the Courts; ELISA
CHINN-GARY, individually and officially, as
the Mecklenburg County Clerk of Superior
Court; BLAIR WILLIAMS, individually and
officially, as the Wake County Clerk of
Superior Court; SUSIE K. THOMAS,
individually and officially, as the Lee County
Clerk of Superior Court; and DOES 1
THROUGH 20, INCLUSIVE,

Defendants.

**DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S
MOTION TO DISMISS SECOND AMENDED COMPLAINT**

NOW COMES defendant, WILLIE L. ROWE, in his official capacity as the Sheriff of Wake County ("Defendant Sheriff Rowe"), and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(a)(4) and Rule 12(b)(6) and in lieu of filing an answer moves to dismiss this action with respect to Defendant Sheriff Rowe on the grounds that the plaintiffs' Second Amended Complaint ("Second Amended Complaint") fails to allege facts necessary to support the claims for relief, and that the Second Amended Complaint fails to state claims against Defendant Sheriff Rowe upon which relief may be granted and the same should be dismissed.

WHEREFORE, Defendant Sheriff Rowe prays the court grant this motion and dismiss this action as to this defendant with prejudice, and for such other and further relief as the Court may deem proper and just.

Respectfully submitted this the 9th day of April, 2024.

WAKE COUNTY ATTORNEY'S OFFICE

/s/ Roger A. Askew

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Willie Rowe*

/s/ Robert J. Lane

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*Attorney for Defendant Wake County Sheriff
Willie Rowe*

CERTIFICATE OF SERVICE

I, the undersigned attorney for defendant WILLIE L. ROWE, in his official capacity as the Sheriff of Wake County, hereby certifies that on the day indicated below the foregoing and attached **DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S MOTION TO DISMISS SECOND AMENDED COMPLAINT** was electronically filed with the Clerk of Court using the CM/ECF filing system and served via electronic transmission through the Court's CM/ECF system in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the CM/ECF participants:

This the 9th day of April, 2024.

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

Wake County Attorney's Office

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Attorney for Defendant Wake County Sheriff

Willie Rowe